

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ZESTY PAWS LLC, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 23 Civ. 10849 (LGS) |
| -against- | : | |
| | : | |
| | : | <u>ORDER</u> |
| NUTRAMAX LABORATORIES, INC., et al., | : | |
| | : | |
| Defendants. | : | |
| ----- | X | |

LORNA G. SCHOFIELD, District Judge:

It is hereby **ORDERED** that a preliminary injunction hearing (the “Hearing”) will be held on **April 16, 2024, at 10:00 A.M.** in Courtroom 1106 of the United States District Court for the Southern District of New York at 40 Foley Square, New York, New York. It is further

ORDERED that, by **February 2, 2024**, the parties are directed to meet and confer and file a joint letter regarding a proposed schedule in connection with pre-Hearing matters, including the filing of any additional declarations, the exchange of evidence and demonstrative aids to be relied upon at the Hearing and a list of witnesses that the parties intend to call to testify. It is further

ORDERED that the parties each may file a maximum of three additional declarations, provided the total pages of declarations, including those previously filed in connection with the motion for preliminary injunction, does not exceed fifty pages. The parties each may file an unlimited number of exhibits, provided the total number of exhibit pages, including those previously filed in connection with the motion for preliminary injunction, does not exceed 225 pages. The parties may file excerpts of expert reports or minuscrit versions of transcripts (with four transcript pages per page) as exhibits, and separately submit the entire report or transcript, which is not counted in the page total. For any such excerpts, the parties shall provide the Court

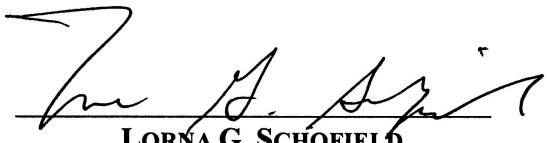
with the entire report and full transcript. The parties shall email chambers at Schofield_NYSDChambers@nysd.uscourts.gov for a link to submit copies of such reports, transcripts and any other voluminous documents. It is further

ORDERED that the request to waive the pre-motion letter requirement for any additional motions is **DENIED**. Because of the timing and nature of the proceeding, and because there is no jury and gate-keeping function, the Court is likely to allow all expert testimony, with objections and challenges going to the weight of the evidence. It is further

ORDERED that, by **March 28, 2024**, the parties shall file a joint pre-Hearing order modeled on the Court's Individual Trial Rule I.A.5, but omitting sub-paragraphs (d), (e), (f), (i), (l), (m) and (n). The parties shall apply Individual Trial Rule I.B.2 (first two paragraphs only). The parties shall not file in limine motions. Any evidentiary objections will go to the weight of the evidence. It is further

ORDERED that a final pre-Hearing conference will be held on **April 5, 2024, at 2:00 P.M.** At that time, the parties shall call 888-363-4749 and enter the access code 558-3333.

Dated: January 26, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE